

REMARKS

The application now comprises claims 1-7. Non-elected Claims 8-14 were previously cancelled without prejudice to pursuing those claims in a division or continuation-in-part application. This is in response to the Rejection of claims 1-7 dated December 13, 2007, the shortened period for response thereto expiring March 13, 2008. Sections a) and b) of Claim 1 have been amended to clarify that the CPU serves as an information conduit and not as a funds conduit, the funds are transferred between user's accounts in user's participating banks (Page 16, lines 25-29) and the CPU does not function as a trusted agent or include the formation of any CPU based user accounts. Claim 1b) has also been amended to clarify that the electronic currency has a monetary value which is consistent and the same across the entire system so that once funds are converted to electronic representations of currency that electronic currency is usable for any and all transactions in the system without need for currency translation for each individual transaction. While the specification provides for various different monetary based Cyber Credits (page 11, lines 9-25) in a particular embodiment the Cyber Credits are all based on a single internationally accepted currency such as the US dollar. In support thereof see for example applicant's specification page 6, line 28-page 7, line 4; page 8, lines 14-29; page 9, lines 12-30; page 10, lines 10-28 and the examples at page 22-37.

The amendment in section c) of claim 1 is submitted to correct a typographical error.

Claim 1-3 and 5-7 was rejected as obvious under 35USC§103(a) based on Walker (US 5,794,207) in light of Weiss (US 5,866,889 and Rosen 1 (US Patent 5,455,407). In regard to claim 1, the examiner contends that Walker Figs. 2 and 13 and col. 20, line 48-col 21, line 15 teaches paragraph a), a portion of b), d) and the remainder of claim 1, and Fig 2 and 13, col. 20, line 48-col 21, line 15 and col 22, lines 1-20 teaches paragraph c). However, Walker does not explicitly teach establishing electronic funds accounts linked to demand deposit accounts in said participating banks, with electronic representations of currency purchased by said buyers from demand deposit accounts in said participating banks deposited in said buyer's electronic funds account, said electronic representations of currency having an original monetary value tied to a selected actual currency or, on a periodic basis, balancing funds with the corresponding bank

reserves and issuing reports of such transactions. It is then contended that Weiss teaches establishing the subject accounts (col 3, lines 5-11) and Rosen 1 (col 1, lines 15-19 and col 35, lines 51-60) teaches the remaining claimed features and that one skilled in the art would have been motivated to combine the three references to result in applicant's claimed invention.

In order to respond to the rejection, the teachings of Walker and the field of the invention of Walker, must first be addressed. Walker US 5,866,889 is directed "to electronic contract applications using electronic network" (Col 1, lines 11-12) to effectuate bilateral buyer driven commerce between buyers and sellers (Abstract). While Walker refers to the participation of buyer's and seller's banks and the use of a central processing unit (CPU), the means and manner of accomplishing the transaction are different. In particular, Walker is a bilateral buyer-driven system that requires a third party to arbitrate contracts, hold funds, establish terms of the deal and administer the site on the Internet where buyers can post purchase orders and sellers can review the posted offers. (Column 7, lines 13-25). In particular all offers are in a centralized location so sellers can locate relevant purchase offers. Walker is designed to prove an Internet site where buyers can post their terms to purchase goods or services and those terms are published globally for all potential sellers to access (Col 7, lines 30-35). The CPU also functions as a bank and holds funds being transferred in the transaction. Walker teaches a procedure that is the opposite of the well known sales practice where a seller lists, on an internet site, its merchandise for sale with the terms of purchase posted so that all buyers can view the items for sale and then institute a purchase. Walker then utilizes presently existing funds transfer techniques to compensate the seller for transferring the goods or services. Walker addresses the manner in which a buy/sell arrangement is negotiated, the means of payment being incidental. However, the Walker CPU is a conduit for the funds with the CPU acting as an intermediate bank (a trusted agent) with the "buyer account 297, seller account 298 and escrow account 299" (col 12, lines 65-67 and Fig 2) being within the CPU. Walker fails to show buyer account 297 in Fig 2 or any other figure but Fig 13, in box 1330 sets forth that "central controller establishes buyer account"

In contrast thereto, applicant's claimed invention is not a system for offering goods for sale or for posting a buyer's purchasing needs. Instead it is a system for buyers and sellers to consummate a previously negotiated purchase by a transfer of payment from buyer's bank to seller's bank. Reference is made to applicant's Fig 1 illustrating aspects of applicant's claimed invention which commences after buyer & seller strike a deal (see unlabeled box in top right corner). Applicant sets forth a new and unique "electronic funds transfer system" for use in compensating seller or seller's appointee for goods or services provided to buyer. The manner in which buyer and seller reach and enter into the terms of a transaction is not relevant to applicant's invention as applicant's invention is primarily directed to the funds transfer portion of the transaction. Still further while the CPU maintains an accounting of the transaction (a book keeping function), no seller or buyer funds accounts are established at the CPU, no funds pass through the CPU and the CPU does not act as a trusted agent. In regard to the transfer of funds, the CPU has an accounting function and processes, records, monitors, and reports the information regarding the transfer of funds, said transfer of funds being between electronic accounts in participating banks and not through the CPU.

Accordingly, referring to page 3 of the Office Action, in regard to claim 1, section a) Walker does not teach "an electronics fund transfer system" but instead teaches a method of using a computer to facilitate a buy/sell transaction between a buyer and a seller. The CPU in Walker is used by one or more system users engaged in establishing a purchase and sale contract. Accounts for the participants in the transaction are established in the CPU, the CPU acts as a trusted agent to hold the funds and to subsequently release the funds to the seller. In regard to 1b) Walker does not show or suggest establishing electronic funds accounts at the participating banks linked to demand deposit accounts in that participating bank; the electronic funds accounts are instead at the CPU (Fig 2) and Col 20, line 48 – Col 21, line 15 describes moving the funds from one account to another account within the CPU. In regard to claim 1, sections c) and d), see the discussion above. The claim refers to encumbrances in buyer's electronic funds at buyer's participating bank and not a transaction module encumbrancing funds within the buyer's funds account in the CPU. Further, Walker makes no suggestion that his CPU balances electronic

funds with the participating bank reserves throughout the system as such a function is not necessary since the funds are withdrawn from the participating banks and are moved to the separate accounts in the CPU.

The examiner then acknowledges that Walker does not teach establishing electronic funds accounts linked to deposit accounts in participating banks but refers to Rosen 1 (Col 4, lines 28-41) as providing such teaching. Rosen 1 addresses electronic funds transfer comprising the transfer of the monetary value hard currency to an electronic representation of that same hard currency (i.e., hard currency dollars for electronic dollars, hard currency pounds for electronic pounds). Further, it is stated that Weiss teaches establishing transaction accounts linked to demand deposit accounts. However, neither Rosen 1 nor Weiss, alone or in combination address the deficiencies of Walker addressed above and combining Walker, Rosen 1 and Weiss does not result in applicant's invention. If combinable the result would still be a CPU trusted agent with funds, which may be in the form of electronic funds, transferred from buyer's bank to the CPU where buyer and seller accounts are established. Further, the electronic funds would be in the same currency as the underlying hard currency account. There is no suggestion that "a single defined electronic representation of currency is established for use in all transactions in the system". As an example Rosen 1 still requires, to complete a transaction, that one electronic currency be converted to another electronic currency and that a conversion rate be selected (Col 50, lines 10-33), which can change on a moments notice. When applicant establishes the electronic account the electronic unit of currency has a single defined value which is set for all financial transfers thereafter and is recognized system wide, for example, for all banks World wide participating in the system.. For example, see page 10 lines 8-15.

The examiner also suggests that Rosen 1 teaches that the CPU on a periodic basis balances the funds with the bank reserves and issues a report. This is in fact not what Rosen 1 teaches. Rosen 1 (Col 35, lines 51-60) instead teaches that all Issuing Banks provide a report reflecting their position at the end of a specified period, these reports are then consolidated by the Money Position System 24 which must reconcile these multiple reports to generate a further report of each banks position so they can evaluate the risk to interbank settlement problems

based on inconsistencies in the separate reports. This is much more complicated than applicant's claimed invention where the CPU handles the accounting for the transactions and automatically balances the electronic funds transferred between the participating banks.

Accordingly, the system that the examiner refers to as the Modified Walker, if it could be formed, is a totally different system addressing totally different transactions, using different electronic funds in a different manner which are processed, monitored and accounted for in a totally different way. Irrespective thereof, it is respectfully submitted that the suggested combination could not be made and one skilled in the art would not make such a combination because such a combination is inconsistent with the teachings of each of the references. For example, Walker requires all the funds to flow through accounts in the CPU and Rosen 1 and Weiss are directed to operations at multiple individual banks and Weiss addresses linked accounts within a single banking entity.

It is therefore respectfully submitted that claim 1 is not obvious based on any combination of the cited references and as such is patentable over the cited references taken in combination. Accordingly claims 2-7 dependent on claim 1 are likewise patentable.

In regard to claim 2 the new account module at the CPU serves to qualify new users to enter the system and to identify the existence of an electronic funds account at the individual participating bank. Any user record at the CPU is for record keeping and accounting and is not a banking account which receives and transfers funds. Col 3, lines 44-45 of Rosen 1 is referring to a totally different functioning component referred to as a money generating device for issuing electronic money, which is the equivalent of an ATM machine capable of issuing electronic funds to a user, such as adding value to a magnetic card.

In regard to claims 3 and 5 the referenced passages of Rosen 1 relate to means to communicate with the money generating device to electronically transfer electronic funds to the user, i.e. download to a magnetic card. While the equipment used to interface with the CPU may be the same, and the use of encryption to protect the assets and information is known in the art, this does not teach a communication means for a user to transfer funds from the buyer's participating bank to the seller's participating bank.

In regard to claim 6, Modified Walker is a totally different system operating in a different manner. Without admitting that Modified Walker provides the functions set forth in claim 6, even if Walker, with or without modification by Rosen 1 and Weiss, provides these functions it would do so as a trusted agent with buyer and seller accounts established at the CPU. Claim 6 is dependent on claim 1. The distinctions between applicant's claimed invention and Walker or Modified Walker set forth above in regard to claim 1 are reasserted. In particular, one distinction is Applicant's claimed invention maintains the buyer's and seller's funds accounts at the participating banks, not at the CPU. Therefore claim 6, dependent on claim 1 is not shown or obvious based on a combination of Walker, Rosen 1 and Weiss.

In regard to claim 7, Applicant's claimed invention allows for electronic funds transferred from Buyer's participating bank to flow directly to a third party designated by the seller without any further participation or direction by seller. Rosen 1 col. 5, lines 22-43 and col. 8, 24-29 describes a completely different scenario. The cited portions of Rosen 1 describe a bill paying procedure whereby an individual (the seller) accesses his electronic account and directs electronic funds deposited in his account to be transferred to the his provider. The participation of seller, and the specific instructions of seller after completion of the buyer/seller transaction and the transfer from buyer to seller and deposit of funds in sellers account must first occur. The seller can then "transfer all or any amount of the electronic money contained therein to another subscriber's Transaction money module."(col. 8, lines 24-29). Col 5, lines 22-43 describes the same transfer by seller of money in his account to a third party. This is not applicant's claimed invention.

Claim 4 was rejected as obvious under 35USC 103(a) based on Walker (US 5,794,207) in light of Weiss (US 5,866,889 and Rosen 1 (US Patent 5,455,407) and further in view of Rosen 2 (US 5,557,518) in that Rosen 2 provides the further teaching of personal and electronic dispute resolution. While it might be obvious to one skilled in the art to provide a dispute resolution capability to applicant's claimed invention, claim 4 is dependent on claim 1. As set forth above, Claim 1 is not shown or suggested by any combination of Walker, Rosen 1 and Weiss if such combination could or would be made by one skilled in the art. Adding dispute resolution to a

trusted agent system with buyer and seller accounts removed from the buyer's and seller's participating banks so they reside in the CPU is not the invention set forth in claim 4.

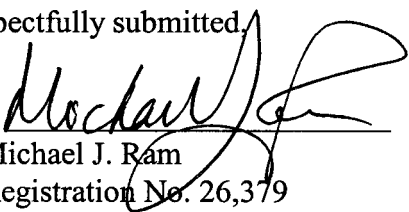
Generally speaking the claimed invention is different from prior funds transfer systems in that it provides a central controller CPU which is accessed by the system users in order to consummate the funds transfer part of a business transaction. System users each first establish an electronic money account (a CC Money Account) at their respective participating banks directly or by using the Central Controller CPU. They can then enter into a transaction such as set forth in the specification at page 13, line 23 – page 20, line 14 and illustrated by Examples 1 and 2 and pages 20-22. Key to the claimed invention is that the system users that are parties to the transaction transact and consummate the funds transfer by each accessing the Central Controller CPU rather than each party communicating individually with their respective banks. However, also key to the system is that the users maintain their own CCMoney accounts at their respective participating bank and the CPU monitors, records and directs the transfers from buyer's CCMoney account at buyer's bank directly. The CPU performs bookkeeping and accounting functions; it is not a conduit for funds.

Claims 1-7 remain in the application. It is respectfully submitted that these claims are patentable, fully supported by the Specification and not shown by the prior art. It is requested that the claims be found to be patentable and a Notice of Allowance be issued.

Date: March 13, 2008

Respectfully submitted,

By:


Michael J. Ram
Registration No. 26,379
Attorney for Applicant

KOPPEL, PATRICK, HEYBL & DAWSON
555 St Charles Drive, Suite 107
Thousand Oaks, CA 91360
Phone (805) 373-0060
Fax (805) 373-0051